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VIA ECF

The Honorable David T. Schultz
United States District Court
9E U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

RE: *Bair Hugger Forced Air Warming Devices Products Liability Litigation (MDL 2666)*

Dear Judge Schultz:

We are writing on behalf of Defendants in response to Plaintiffs' letter filed on Monday (ECF No. 2136). The article Plaintiffs enclose does not support their position that the documents at issue in the pending Joint Motion (ECF No. 2117) should be unsealed, much less that the Court should grant reconsideration of its prior sealing orders.

Unlike the CPSC and NHTSA examples they cite, between Plaintiffs' counsel and their ally Scott Augustine, the FDA and health organizations around the world have been made fully aware of Plaintiffs' criticisms of the Bair Hugger system for many years, and their theories have been roundly rejected as unsupported by science – including by the International Consensus Meeting on Musculoskeletal Infection.

Defendants remain concerned that Plaintiffs' general attack on confidentiality is meant to excuse violations of the protective order and sealing orders entered in this MDL. Earlier attempts by some of Plaintiffs' counsel to engage in "self-help" by publicly filing sealed documents were thwarted. It should not happen again.

Sincerely,

s/Benjamin W. Hulse

Benjamin W. Hulse
BWH:ck